



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

October 27, 2015

Exemption No. 11150B
Regulatory Docket No. FAA-2014-0400

Mr. Gregory S. Walden
Akin Gump Strauss Hauer & Feld LLP
Counsel for AeroCine, LLC
1333 New Hampshire Avenue NW
Washington, DC 20037

Dear Mr. Walden:

This letter is to inform you that we have partially granted your petition for an amendment to add the DJI Phantom 3 and DJI Inspire 1. It explains the basis for our decision, describes its effect, and lists any changes to the original conditions and limitations.

By letter dated June 11, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of AeroCine, LLC (hereinafter petitioner or operator) for an amendment to your current exemption. That exemption from §§ 61.23(a) and (c), 61.101(e)(4) and (5), 61.113(a), 61.315(a), 91.7(a), 91.119(c), 91.121, 91.151(a)(1), 91.405(a), 91.407(a)(1), 91.409(a)(1) and (2), and 91.417(a) and (b) of Title 14, Code of Federal Regulations (14 CFR) allows the petitioner to operate a UAS to perform aerial data collection and closed-set motion picture and television filming. You requested an amendment to add the DJI Phantom 3, DJI Inspire 1, and the AeroBo X 12 Unmanned Aircraft System (UAS), as well as revisions to Conditions and Limitations 1, 13, 15, 21, 25, 26, and 27 in Exemption No. 11150A.

In your petition, you indicate that there have been substantial changes in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption. As a result, you request the following revisions to the Conditions and Limitations:

- a. Condition No. 1: reflect the weight of the AeroBo X12, which will be in excess of 55 pounds including payload
- b. Condition No. 13: allow approval to fly with experienced UAS operators in direct control of the craft, while under direct supervision of, and in direct communication with an FAA-licensed private, recreational or sport pilot as a VO recreational, or sport pilot as a VO
- c. Condition No. 15: permit night flight operations for closed set filmmaking

- d. Condition No. 21: permit contemporaneous issuance of NOTAM for breaking news instead of the current requirement for 24 hour advanced notification
- e. Condition No. 25: permit the PIC to operate the UAS from a moving platform for closed set filmmaking
- f. Condition No. 26: permit operations over non-participating persons for breaking news flights with a UAS weighing no more than 4.4 pounds
- g. Condition No. 27: permit operations over persons in the airspace that is not above private, or controlled access property, only with permission from the owner/controller or authorized representative

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register, because adding the DJI Phantom 3 and DJI Inspire 1 to the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to the petitioner. The unmanned aircraft authorized in the original grant are comparable in type, size, weight, speed and operating capabilities to those in this petition.

In regard to the revisions proposed to Conditions No. 1, 13, 15, 21, 25, 26, and 27, the FAA will conduct further analysis of the remaining substantial changes described above to determine precedence and safety of operations in the National Airspace System (NAS); the outcome of which will determine if good cause exists for publishing a summary of the petition in the Federal Register.

Airworthiness Certification

In accordance with the statutory criteria provided in Section 333 of Public Law 112–95 in reference to 49 U.S.C. § 44704, and in consideration of the size, weight, speed, and limited operating area associated with the aircraft and its operation, the Secretary of Transportation has determined that the DJI Phantom 3 and DJI Inspire 1 meet the conditions of Section 333. Therefore, the FAA finds that relief from 14 CFR part 21, *Certification procedures for products and parts, Subpart H—Airworthiness Certificates*, and any associated noise certification and testing requirements of part 36, is not necessary.

Our Decision

The FAA has determined that the justification for the issuance of Exemption No. 11150A remains valid and is in the public interest. Therefore, under the authority contained in 49 U.S.C. 106(f), 40113, and 44701, delegated to me by the Administrator, the operator is granted an amendment to only add new aircraft to its UAS operations.

The operator shall add this amendment to its original exemption.

Conditions and Limitations

All conditions and limitations within Grant of Exemption No. 11150A remain in effect except as follows. Condition No. 1 has been updated to reflect the additional aircraft.

Failure to comply with any of the conditions and limitations of this grant of exemption will be grounds for the immediate suspension or rescission of this exemption.

1. Operations authorized by this grant of exemption are limited to the Kopterworx Hammer X12, DJI S1000, Aerobo, DJI Phantom 3, and DJI Inspire 1, when weighing less than 55 pounds including payload. Proposed operations of any other aircraft will require a new petition or a petition to amend this exemption.

This exemption terminates on January 31, 2017, unless sooner superseded or rescinded.

Sincerely,

/s/

John S. Duncan

Director, Flight Standards Service